

REMARKS

Reconsideration and allowance of the claims pending in the application are requested.

Claims 1-4, 6-13, 29-32 and 34-47 are pending in the application. as follows:

- 1) Claims 1 and 42 have been objected to for minor informalities.
- 2) Claims 1 has been rejected under 35 USC 112 due to an insufficient antecedent

basis for the limitation "the same multi-user data".

- 3) Claims 1-3, 6, 10-13, 29-31 and 38-47 have been rejected under 35 USC 102 (e) as being anticipated by USP 6,871,236 to Fishman, issued March 22, 2005, filed January 26, 2001. (hereafter "Fishman"), and of record.

- 4) Claims 7-9 and 35-37 have been rejected under 35 USC 103(a) as being unpatentable over Fishman.

- 5) Claims 4 and 32 have been rejected under 35 USC 103(a) as being unpatentable over Fishman in view of US Patent Publication 2001/0054087 to M. Flom et. al, published December 20, 2001, filed April 25, 2001 (hereafter, "Flom"), and of record.

Applicants have amended the claims to overcome the objection and the rejection under 35 USC 112, Second Paragraph, and to overcome the cited art in accordance with the discussions conducted at the Interview conducted February 2, 2006. Also, the claims have been amended to substitute the term "wireless hand-held user terminal" for the term "wireless user terminal", where appropriate.

Applicants respond to the indicated Paragraph Number of the subject Office Action, as follow:

Paragraph 1:

Claims 1-4, 6-13, 29-32 and 34-47, pending in the RCE, filed February 13, 2006 were responsive to the Office Action, dated October 20, 2005 and the Interview conducted February 2, 2006. The interview concluded "...amending the independent claims to limit the multi-user data to include only the same multi-user data transferred to the plurality of portable terminals ... would overcome the prior art relied upon (Fishman et al, USPN 6,871,236)." The RCE was filed to implement the proposed amendment discussed at the Interview.

Paragraph 2:

Claims 1 and 42 have been amended to overcome the objection. Withdrawal of the objection is requested.

Paragraphs 3/4:

Claim 1 has been amended to overcome the rejection based on 35 USC 112, Second Paragraph. Withdrawal of the rejection is requested.

Paragraphs 5/6

Claims 1-4, 8-10, 29-31, 35-39 and 42-45 have been amended in accordance with the interview conducted February 2, 2006, and overcome the rejection under 35 USC 102 (e) based on Fishman, of record, as described in the following Paragraphs:

Paragraph 7:

A. Independent Claim 1

(i) “at least one wireless hand-held user terminal in a plurality of wireless hand-held user terminals;”

The amendment of feature (i) establishes the term “plurality of wireless handheld user terminals” to serve as an antecedent and equivalent of the term “plurality of portable terminals” discussed at the Interview.

(ii) “a portable hand-held user device operating as a wireless server including a mass memory module to store and communicate multi-user application data to the plurality of wireless hand-held user terminals;”

The amendment of feature (ii) establishes the term “multi-user application data” as an antecedent for the use of the term recited in feature (iii).

(iii) “wherein a wireless protocol communicates only the same multi-user application data to the plurality of wireless hand-held user terminals ~~between said wireless server and each said at least one wireless user terminal~~ via a wireless link.”

The amendment of feature (iii) implements the limitation “only the same multi-user application data transferred to the plurality of portable terminals” indicated in the Interview of February 2, 2006 as overcoming the prior art.

B. Dependent claims 2-13:

Claims 2-13 depend from and further limit claim 1. Claims 2-13 are patentable over the cited art on the same basis as claim 1.

Applicants submit the amendments to Claim 1 overcome the rejection of Claim 1, which repeats the rejection of Claim 1 in the Office Action of October of October 20, 2006. Withdrawal of the rejection and allowance of claims 1-13 are requested.

C. Claim 29:

(i) “storing multi-user application data in a mass memory of a portable hand-held user device operating as a wireless server;”

The feature (i) establishes the term “multi-user application data” as an antecedent for use of the term in the other features.

(i) “initiating wireless communication between said portable wireless server and at least one wireless hand-held user terminal device in a plurality of wireless hand-held user terminals; “

The amendment of feature (ii) establishes the term “plurality of wireless handheld user terminals” to serve as an antecedent and equivalent of the term “plurality of portable terminals”.

(ii) “transmitting only the same multi-user application data stored in said mass memory to ~~each said wireless hand-held user terminal device~~ the plurality of wireless hand-held user terminals using a wireless protocol; and”

The amendment of feature (ii) implements the limitation “only the same multi-user application data transferred to the plurality of portable terminals” indicated in the Interview of February 2, 2006 as overcoming the prior art.

D. Dependent Claims 30-41:

Claims 30-41 depend from and further limit claim 29. Claims 30-41 are patentable over the cited art on the same basis as claim 29.

Applicants submit the amendments to Claim 29 overcome the rejection of Claim 29, which repeats the rejection of Claim 29 in the Office Action of October of October 20, 2006. Withdrawal of the rejection and allowance of claims 29-41 are requested

E. Claim 42:

(i) “program code in said computer readable medium for storing multi-user data in a mass memory of a portable hand-held user device operating as a wireless server;”

The feature (i) establishes the term “multi-user application data” as an antecedent for use of the term in the other features.

(ii) “program code in said computer readable medium initiating wireless communication between said wireless portable server and at least one wireless hand-held user terminal device in a plurality of wireless hand-held user terminals;”

The amendment of feature (ii) establishes the term “plurality of wireless handheld user terminals “to serve as an antecedent and equivalent of the term “plurality of portable terminals”

(iii) “program code in said computer-readable medium for communicating only the same multi-user application data stored in said mass memory to the plurality of each said at least one wireless hand-held user terminal using a wireless protocol for execution by said at least one wireless user terminal in the plurality of wireless hand-held user terminals.”

The amendment of feature (iii) implements the limitation “ only the same multi-user application data transferred to the plurality of portable terminals” indicated in the Interview of February 2, 2006 as overcoming the prior art.

Applicants submit the amendments to Claim 42 overcome the rejection of Claim 42, which repeats the rejection of Claim 42 in the Office Action of October of October 20, 2006. Withdrawal of the rejection and allowance of claim 42 are requested

F. Claim 43:

(i) “at least one wireless hand-held user terminal in a plurality of wireless hand-held terminals;” and

The amendment of feature (i) establishes the term “plurality of wireless handheld user terminals” to serve as an antecedent and equivalent of the term “plurality of portable terminals”.

(ii) “a portable hand-held user device operating as a wireless server including a mass memory module to store and communicate ~~the same~~ multi-user application data to each said ~~at least one wireless hand-held user terminal~~ the plurality of wireless hand-held terminals,”

The amendment of feature (ii) establishes the term “multi-user application data” as an antecedent for the use of the term recited in feature (iii).

(iii) “wherein a wireless protocol communicates only the same multi-user application data between said wireless server and each said at least one wireless hand-held user terminal in the plurality of wireless hand-held terminals via a wireless link.”

The amendment of feature (iii) implements the limitation “only the same multi-user application data transferred to the plurality of portable terminals” indicated in the Interview of February 2, 2006 as overcoming the prior art. Withdrawal of the rejection and allowance of claim 43 are requested.

G. Dependent Claims 44-47:

Claims 44-47 depend from and further limit claim 43. Claims 44-47 are patentable over the cited art on the same basis as claim 43. Withdrawal of the rejection and allowance of claim 43-47 are requested

Paragraphs 8/9:

H. Dependent Claims 4 and 32:

Claims 7-9 and 36-37 have been rejected under 35USC 103 (a) as unpatentable over Fishman, of record.

Claims 7-9 and 36-37 depend from and further limit claims 1 and 29, respectively. Claims 7-9 and 36-37 are patentable over the cited art on the same basis as claims 1 and 29. Withdrawal of the rejection and allowance of claim 7-9, 36-37 are requested.

Paragraphs 10:

Claims 4 and 32 have been rejected under 35USC 103 (a) as unpatentable over Fishman, of record in view of Flom, of record.

Claims 4 and 32 depend from and further limit claims 1 and 29, respectively. Claims 4, 32 are patentable over the cited art on the same basis as claims 1 and 29. Withdrawal of the rejection and allowance of claim 4 and 32 are requested

Paragraph 11:

The claims have been amended to recite the transfer or transmitting or the communication of the multi-application data to a plurality of wireless hand-held terminals, which limitation applicants' submit is in compliance with the discussions conducted at the Interview of February 2, 2003.

CONCLUSION:

Independent claims 1, 29, 42 and 43 have been amended to be consistent with the limitation over coming the cited art, and discussed at the Interview of February 2, 2006. The claims have been further amended to substitute the term "wireless hand-held user terminal" for the term "wireless user terminal" to further distinguish the claimed subject matter from the gateway described in Fishman, the cited art. Entry of the amendment, allowance of the claims and passage to issue of the application are requested.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 4208-4044. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 4208-4044. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: August 16, 2006

By: Joseph C. Redmond, Jr.
Joseph C. Redmond, Jr.
Registration No. 18,753
(202) 857-7887 Telephone
(202) 857-7929 Facsimile

Correspondence Address:
MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101